

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

| | | |
|-------------------------|---|--------------------|
| ELIJAH DAVID TSIDQENU, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | No. 4:17CV2599 HEA |
| |) | |
| TRAYLOR CHATEAU L.L.C., |) | |
| |) | |
| Defendant. |) | |

OPINION, MEMORANDUM AND ORDER

This matter is before the Court on review of the file after plaintiff's filing of a response to the Court's Show Cause Order dated October 19, 2017. For the following reasons, the Court will dismiss this action for lack of subject matter jurisdiction.

On October 19, 2017, the Court issued a Show Cause Order directing plaintiff to show cause why this case should not be dismissed for lack of subject matter jurisdiction. *See* ECF No. 4. The Court noted that plaintiff's case was brought under a Missouri statute, and stated no basis for relief under federal law. Additionally, the parties were not diverse, and plaintiff's damages in the complaint were calculated to be \$50,000, which is less than the jurisdictional amount. *See* 28 U.S.C. § 1332(a).

In response, plaintiff filed a memorandum stating: "I'd like to enter a motion that to seek damages in the amount of \$100,000 as it is befitting for the subject matter jurisdiction exceeding \$75,000 under U.S.C. § 1332." *See* ECF No. 10.

Regardless of the amount in controversy, however, to exercise diversity jurisdiction, plaintiff and defendant would have to be citizens of different states. *See* 28 U.S.C. § 1332(a)(1). Here, the Court noted in its Show Cause Order that plaintiff and defendant appeared to both be

citizens of Missouri. Plaintiff has not disputed this assertion. In fact, the Civil Cover Sheet filled out by plaintiff indicates both plaintiff and defendant reside in St. Louis County.

The Court finds that it does not have original jurisdiction over this civil action, as the action does not arise under the Constitution, laws, or treaties of the United States, and the parties are citizens of the same state. As a result, the Court will dismiss plaintiff's claim for lack of jurisdiction.

Accordingly,

IT IS HEREBY ORDERED that this action is **DISMISSED** for lack of subject matter jurisdiction.

An Order of Dismissal will accompany this Memorandum and Order.

Dated this 22nd day of January, 2018

A handwritten signature in cursive script, reading "Henry Edward Autrey", written in black ink. The signature is positioned above a horizontal line.

HENRY EDWARD AUTREY
UNITED STATES DISTRICT JUDGE